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BUREAU OF LAND MANAGEMENT

Guide to Preparation of Mineral Patent Applications

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For Questions and Comments Contact:

Kay Kletka
Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513
(907) 271-5060
Mondays through Fridays
7:30 a.m. to 4:15 p.m.

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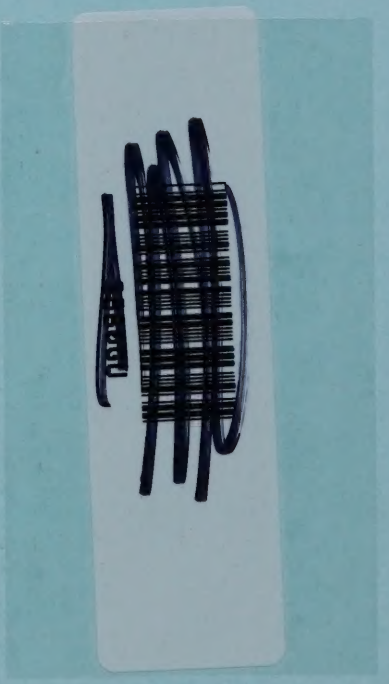

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(COMPILED: January 1981)
(REVISED: July 1981)

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I. SURVEY

Before applying for patent, the claim(s) must be surveyed, unless they can be described by legal subdivisions of the Federal surveys. An application to have the survey made must be filed with the appropriate Bureau of Land Management (BLM) Office. (SEE EXHIBIT "A" on Page 13, SURVEY APPLICATION and, specifically, instructions on the reverse of the form.) (See Regulations Title 43 Code of Federal Regulations (CFR) 3861.1-1). For discussion of the survey, consult the Office of Engineering, Division of Cadastral Survey, in the Alaska State Office at (907) 271-5591. When filing the official application and paying the survey deposit and fees, see BLM's Public Service Office[1]. The appropriate office issues the Mineral Survey Number and BLM serial number. (Both numbers are important references when corresponding, requesting status or information regarding survey/patent applications.)

The Division of Cadastral Survey authorizes the survey when the application is complete. From the approved list of acceptable mineral surveyors furnished by the Division of Cadastral Survey, the applicant will select a surveyor and negotiate a private contract with him to survey the claims(s). (Regulation 43 CFR 3861). SEE EXHIBIT "B" on Page 15.

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1. If the claims are located in the areas under jurisdiction of the Fairbanks or Anchorage District offices, file at:

Fairbanks location: Building 33 on Ft. Wainwright (once you are on Ft. Wainwright, take Gaffney Road for 2½ - 3 miles)
Mailing Address: P.O. Box 1150, Fairbanks, Alaska 99701
Telephone: (907) 356-2025

Anchorage location and Mailing Address:
Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

Telephone:
Alaska State Office (907) 271-5060
Anchorage District Office (907) 267-1200

II. POSTING ON THE CLAIM

Formal notice of the application for patent must be given by posting a copy of the Mineral Survey plat and "Notice of Intention to Apply for Patent" on the claim(s) (43 CFR 3861.7). Such posting must be in a conspicuous place on the claim, or on one of a group of claims where it can be readily seen by any interested party. Posting must be in the presence of at least two (2) credible witnesses. A witness cannot be an attorney-in-fact. SEE EXHIBIT "C" on Page 19 for example of required information on witness statements.

Notice of patent application must contain the following information:

A. Name of Claimant
B. Name of Claims
C. Mineral Survey Number
D. Mining District (if any)
E. In Alaska, name of organized Borough if claims are within one or judicial and recording district.
F. Names of adjoining claims (if none - statement must be made to that effect)
G. Names of conflicting mining claims (if none - statement must be made to that effect)

In an effort to circumvent two separate postings, the mineral patent applicant may wish to post both the newspaper "Notice of Application" at the same time they initially post the "Notice of Intention to Apply for Patent." Additionally, a copy of the mineral survey plat (all pages) must be posted as stated in paragraph one on this page.

See also Newpaper Publication Example, EXHIBIT "D" on Pages 20, 21 and 22 described in Section IV G. of this packet.

Additionally, the "Notice of Application" and mineral survey plat should be conspicuously posted on the claim(s) during the nine weeks of newspaper publication and remain posted for an additional four (4) days after the last legal notice ad appears in the newspaper. This provision of the regulations may not be waived. Any means of weather proofing the "Notice" and plat(s) to avoid loss or damage and to insure that the public is provided with adequate notice is highly recommended. Should the "Notice" and/or plat(s) become damaged or destroyed, it is imperative that it be immediately replaced. A new ruling from the Washington office now allows publication in the newspaper, at the applicant's own option or risk after notification from BLM that his application is reasonably complete. Previously, BLM did not authorize publication until the title documents were approved, showing that full title to the mining claim(s) vested in the mineral patent applicant.

III. APPLICATION FOR PATENT
FILE IN DUPLICATE [2]

A. No Form - Narration must be under oath and include:

1. State your possessory right to patent by compliance with mining rules, regulations and customs of the mining district or state (i.e. years of assessment filed with State).

2. Facts constituting such compliance.

3. Origin of possession (purchase, quitclaim, or original location).

4. Basis of claim to patent.

5. Full description of the kind and character of the vein or lode. (Be sure to name the ore or minerals for which the mineral deposit is valuable.) See Section V for placer claims.

6. State if ore has been extracted; if so, in what amount and of what value.

7. State precise place within limits of each claim where the vein or lode has been exposed or discovered; also state its width at that point. (Not applicable to placer claims.)

B. In addition to the improvements mentioned in the field notes approved by the Office of the Cadastral Engineer (43 CFR 3861.2-3), the claimant in his application for patent should also describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest claim corner or to the nearest corner of the public surveys/land or mineral monuments. If such markings cause additional survey expense, etc. in order to identify the location of the applicant's improvements, BLM will accept a tie to a prominent natural feature.

C. If the mining claim was located after August 1, 1946, the application for patent must state whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project (43 CFR 3862.1-1(b)).

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2. If it is not possible to machine copy, use carbon paper, etc. to file the application for patent in duplicate, advise this office of your reasons for not doing so.

IV. ADDITIONAL DOCUMENTS REQUIRED

A. Filing fee of $25 (nonrefundable) must accompany application for patent 43 CFR 3862.1-2. (Application and $25 filed in Public Service Office where it is time and date-stamped and receipted) NOTE: Application must state the BLM serial number, either AA-_____ or F-_____.)

B. Two copies of field notes for mineral survey (one copy of which will be sent to the District Office Geologist or Forest Service by BLM adjudication and one copy retained in BLM serialized file).

C. Two copies of mineral survey plat (one copy of which will be sent to the District Office Geologist or Forest Service by BLM adjudication and one copy retained in BLM serialized file).

D. The Certificate of Expenditures, BLM Form 3860-8 (SEE EXHIBIT "E" on Page 23) should be submitted with the patent application. This form serves as evidence that not less than $500 worth of labor has been expended or improvements made for the benefit of the contiguous mining claims. (SEE Regulation 43 CFR 3861.2-2) The mineral survey applicant normally receives the form at the time the finalized field notes and approved plat are mailed to him. If you do not have such form, contact the Division of Cadastral Survey at (907) 271-5591.

E. Statement by applicant(s) for patent regarding citizenship (43 CFR 3862.2) consists of:

1.(a) Individuals must state date and place of birth and present residence.

1.(b) An alien, who has declared his intent of citizenship, must submit a statement showing date, place and court before which he declared such intention. He must also state his present residence.

1.(c) Naturalized citizens must submit a statement showing the court which issued naturalization papers, and the certificate number. He must also state his present residence.

2. Corporations must furnish BLM with a certified copy of the charter or Certificate of Incorporation. Corporations must show that they are organized under laws of the United States or the laws of any of the individual states. In addition, non-Alaskan CORPORATIONS must furunish evidence of their authority to do business in the State of Alaska.

3. Authorized Agents are required to submit a copy of the Board of Directors Resolution, signed by its secretary, under seal, authorizing the agent to file the application, and submit such charter or certificates; or in the case of Associated Persons Unincorporated, the authorized agent must submit a copy of the power of attorney authorizing him to act on behalf of the association and furnish the citizenship statement for each member of the association, giving the same information required by individuals (See 1.(a) above).

F. Publisher's Agreement which stipulates that the applicant(s) has/have made satisfactory arrangements to pay the publication cost of the "Notice" of mineral patent application in the newpaper designated by the BLM. SEE EXHIBIT "F" on Page 24 and 43 CFR 3862.4-1.

(a) Weekly newspaper: Once each week for nine (9) consecutive weeks.

(b) Daily newspaper: Wednesday issue for nine (9) consecutive weeks.

See EXHIBIT "F-1" on Page 25 for selection of newspaper to be designated for publication of "Notice."

G. Contents of published "Notice" must indicate the locus of the claim by giving the connecting line, as shown by field notes and plat, between a corner of the claim and a U.S. mineral or land monument or a tie to a corner of the public land survey. (See 43 CFR 3862.4-4 and the example of publication.) In the CFR example, this tie is described in that part of the description that starts with the word "whence". After establishing the ground marker, proceed to describe the claims by tracing the exterior boundaries of the claims, beginning with the word "thence" as used in the CFR example. It is not necessary to identify each claim corner or describe all four corners of each claim; just give bearings, courses and distances around the exterior limits of the contiguous claims. SEE EXHIBIT "D" on Pages 20, 21 and 22 of advertisement containing all essential data necessary for publication.

H. In Alaska, sworn statements (notarized) by two (2) disinterested witnesses[3] are required which set out the facts regarding land occupancy and appropriation based on 43 CFR 3862.1-5. SEE EXHIBIT "G" on Page 26.

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3. "Disinterested Witness" is defined as a person(s) who is not employed or does not receive any type of revenue from the mineral patent applicant, but who is cognizant of the facts relative to the application. Examples are: Pilots, Grocery Suppliers, Postal Employees, Machine Parts Sellers, etc. The disinterested witness must state in what way they are considered "disinterested" and yet knowledgeable about the subject claims.

I. Submit one of the following to show Evidence of Title Ownership:

(a) Abstract of Title. The application for patent must be supported by a certified copy of each location notice and also by an abstract of title of each claim, brought down to a date reasonably near the date of filing the application and must be supplemented later to include the date of filing the application. The abstract of title must be in such a form and submitted by an abstractor or title company that is acceptable and satisfactory to the BLM. SEE EXHIBIT "H" on Page 27.

(b) Certificate of Title. BLM form 3860-2 - Instructions on the back of the form require that certified copies of location notices for each claim must be attached to the Certificate of Title. Corporations signing a Certificate of Title must submit additional information as instructed on the back of Form 3860-2. SEE EXHIBIT "I" on Pages 28 and 29.

(c) Assertion of Possessory Right. Possessory title to mining claims may be shown by secondary evidence if mining records have been lost or destroyed, as by fire or natural disasters. The applicant must submit a notarized statement, supported by notarized statements of at least two (2) disinterested witnesses cognizant of the facts, as to the applicant's location or origin, occupancy, possession, amount and extent of mining improvements, area of claim, etc. The two supporting statements should show in what way they are knowledgeable about the applicant and the mining claims, i.e. live or work other claims in the area, how long witness was in the area and observed applicant's possession of the claims, etc. The applicant(s) must furnish any deeds, certificate of location or purchase, or any other evidence which establishes his claim.

1. Required evidence consists of, but not limited to, the following:

(i) Certified copy of the statute of limitations applicable to mining claims in Alaska. The proper citation is, Alaska State Statute 09.10.030. (The statute provides that possession must be for a period of ten (10) continuous years.) "Certified Copy" consists of a statement made by the Lieutenant Governor for the State of Alaska attached to a copy of the State statute 09.10.030. The statement and statute may be obtained by

writing to the Office of the Lieutenant Governor, Attn: Betty Michaels, Pouch AA, Juneau, Alaska 99811. Cost is $2 per copy. Telephone information available in Juneau at (907) 465-3520. (43 CFR 3862.3-1)

(ii) Applicant must state whether title has been disputed in court proceedings or otherwise, with details.

(iii) Applicant must also state any other matters known to him that bear upon his right of possession.

(iv) Applicant must submit a certificate, under seal, by the clerk of the Superior Court (Trial Court) having jurisdiction in the area where the mining claims are located, that no action involving right of possession to the claims is pending and that there has been no litigation in the court affecting the title to the claims, other than has been decided in favor of the applicant for patent for the ten-year time fixed by the statute of limitations in Alaska. SEE EXHIBIT "J" on Page 30 (43 CFR 3862.3-2).

J. All mineral patent applications must include sufficient details for the Mineral Specialist[4] to determine in the office whether a valuable mineral deposit has been found. Items which must be addressed are listed as follows:

1. Complete description of general geology;

2. Complete description of economic geology and mineralization;

3. Complete description of mineral deposit as to quantity and quality (ore reserves by grade);

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4. Minerals Specialist in this instance refers to the geologists/mining engineers located at the Anchorage and Fairbanks District Offices. It might be appropriate to contact the geologists in the district office where the claims are located to discuss the 11 items relative to the mineral deposit that are required to be submitted.

Anchorage District Office Geologist - (907) 267-1200

Fairbanks District Office Geologist - (907) 356-2025

4. Complete description of all discovery points;

5. Maps and results of drilling, sampling, and analysis of samples (if other than routine methods of analysis are used, describe the methods of testing or analysis);

6. Complete description of all workings, improvements, etc., on the claim;

7. Description of mining or extraction method;

8. Description of beneficiation or metallurgical or other processing of raw mineral;

9. Description of transportation method from mine to mill or processing plant, and, if appropriate, to market;

10. Economic analysis including actual or estimated mining, processing and other costs, value or price of product, and estimated profitability; and

11. An analysis of anticipated environmental and reclamation costs under State and local laws.

NOTE: The withholding or disclosure of confidential information submitted or acquired from the applicant is governed by the provisions of 43 CFR 2.13(c)(4) and (9).

§ 2.13 Records Available.

(a) Department policy. It is the policy of the Department of the Interior to make the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) Statutory disclosure requirement. The Freedom of Information Act requires that the Department, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) Statutory exemptions. The Act exempts nine catagories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive Order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempt from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

V. PLACER CLAIMS

The application for a patent to placer mining claims must contain the same information mentioned in the previous Sections I, II, III, and IV of this Guide booklet with the exceptions noted in the various sections. In addition, the following statements are also required:

A. Title is being sought in good faith because of the mineral values, and not to control the water courses or to obtain valuable timber. (43 CFR 3863.1-3(a))

B. Description of natural features of the claim, i.e.

   (a) Streams as to their course and amount of water carried

   (b) Amount of timber, kind, and other vegetation, adaptability to mining or other uses

C. If the deposit is gold, state:

   1. Yield per pan or cubic yard, as shown by prospecting and development work

   2. Distance to bedrock

   3. Formation and extent of deposit

   4. Any other facts evidencing that the claim is valuable for placer gold

D. For deposits other than gold, claimed under placer laws, describe the following:

   (a) Kind, nature, and extent of the deposit

   (b) Reasons why placer claim is regarded valuable

E. Applicant must state if the claim is <u>all placer ground</u>, or if known lodes or veins are situated within the boundaries of the placer claim.

F. If all placer ground, notarized statements attesting to this fact by <u>two</u> or more <u>witnesses</u> must be submitted. (Be sure they name the claim(s) or state that the claims are within patent application BLM Serial No. AA-_____ or F-_____.)

G. If the applicant states that there are mixed placer and lode claims, he must also state: (See 43 CFR 3863.1-3(b) and 43 CFR 3863.1-4)

(1) Whether the vein or lode claims are in the applicant's possession.

(2) Ownership of the lode claim should be identified.

(3) Whether or not the lode claim is included in the mineral patent application.

(4) Description of all known lodes situated within the boundaries of the placer claim.

H. Information regarding existing lode claims within the placer claim mineral patent application must be indicated in the "Notice" posted on the mining claim and be stated in the newspaper advertisement.

VI. MILL SITES

When applying for a patent to a mill site, the same information, statements and documents required in Sections I, II, III, and IV which are applicable to mill sites will need to be submitted.

The following items are specifically related only to mill sites and should be included in the patent application:

A. Proof must be submitted to verify that the lands are non-mineral in character. Such proof, among others, should consist of:

   1. Complete description of the geology.

   2. Reasons why the land is considered non-mineral.

B. Two disinterested persons cognizant of the facts, must furnish notarized statements attesting that the land applied for as a mill site is non-mineral in character. They must also make statements regarding applicant's use and occupancy of the mill site. (43 CFR 3864.1-4)

C. When applications for lode/placer mining claims and mill sites are filed simultaneously, each claim or site must individually be posted with a survey plat and "Notice" of application. However, the "Notice" may describe both the claims and the mill site. (Posting must be in the presence of at least two witnesses as stated in Section II of this Guide.) (43 CFR 3864.1-2)

D. Improvements on the mill site should be discussed, citing their use for mining or milling purposes:

   (1) Where there is no mineral survey because the mill site could be described by legal subdivisions, there must be notarized statements by the applicant and two disinterested witnesses as to the improvements and use and occupancy of the mill site.

E. No expenditures for improvements are required.

F. Only one $25 filing fee is required if the mill site and mining claim patent applications are filed at the same time.

EXHIBITS

EXHIBIT "A"

EXAMPLE

COPIES AVAILABLE AT BLM OFFICES IN FAIRBANKS AND ALASKA STATE OFFICE IN ANCHORAGE

Form 3860-5
(October 1978)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
BUDGET BUREAU NO. 42-R1373.1

Date

SEE INSTRUCTIONS ON REVERSE

APPLICATION FOR SURVEY OF MINING CLAIM

1. **Name of Applicant** *(first, middle initial, last)*

Address *(include zip code)*

Hereby makes application for an official mineral survey of the mining claims named and identified in this application

2. Give group name *(if any)*

3. NAME OF CLAIM(S)

NAME OF LOCATION	DATE			BLM MINING CLAIM SERIAL NUMBER
	LOCATED AND AMENDED	RECORDED WITH COUNTY	RECORDED WITH BLM	

4. LOCATION OF CLAIM(S)

Section	Township	Range	Meridian
County		State	National Forest

5a. Is each claim based on a valid location and fully described in the certified copy of the record of each location certificate filed with this application? ☐ Yes ☐ No

b. Is each location distinctly marked by monuments on the ground and can its boundaries be traced readily?
☐ Yes ☐ No

6. A deposit, is submitted with this application by __ cash __ money order __ certified check made payable to the Bureau of Land Management, in the amount of $, to cover the estimated cost of office work

7. It is requested that the survey be made, in accordance with the regulations, by the following U.S. Mineral Surveyor

Date	Signature of Applicant

INSTRUCTIONS

1. This application is made under the provisions of Chapter 6, Title 32, Revised Statutes of the United States and regulations thereunder (43 CFR 3861.1).
2. Application must be typed or printed plainly in ink and submitted to the State Director, Bureau of Land Management, having authority to issue survey orders in that State as follows: Alaska, Anchorage; Arizona, Phoenix; Arkansas and New Mexico, Santa Fe; California, Sacramento; Kansas and Colorado, Denver; North and South Dakota and Montana, Billings; Nebraska and Wyoming, Cheyenne; Idaho, Boise: Nevada, Reno; Washington and Oregon, Portland; Utah, Salt Lake City; all other States, Director, Bureau of Land Management, Washington, D.C. 20240.
3. Name of the claimant (individual, partnership, company, or corporation) should appear on the application in the same manner as it will appear in the patent when issued. The application *must be signed* by the claimant or an authorized agent.
4. *Two* copies of the record of the location certificate *must be filed with the application*, one of which must be certified by the custodian of the records where mining claims are recorded, usually the Clerk of the County in which the claim is located. Each certificate must contain the name of the locator, date of location, point of discovery, and such definite description of the claim by reference to natural objects or permanent monuments as will serve to identify the claim on the ground. If a location certificate has been amended and the survey is to be based on the amended location, *two* copies of the latest amended certificate are required with the application for survey, *one of which must be certified.*
5. Applicants are requested to list in one application the contiguous locations constituting the claim for which an official survey is desired. Several locations may be embraced in a single survey *only* when they are contiguous, by which is meant locations that are actually in conflict or adjoining; locations joining at a single corner are *not considered as contiguous.*
6. A millsite may be applied for separately or in conjunction with the survey of a mining claim. Millsites must be located on nonmineral ground, may not embrace more than five acres in compact form, and must be occupied or used in connection with mining activity.
7. Any change in an application for survey, including the addition or exclusion of locations, or the designation of a different mineral surveyor, requires an amended application which will be the basis for issuance of an amended survey order.
8. The claimant is required, in all cases, to select the mineral surveyor to execute the survey from the Bureau of Land Management register of mineral surveyors and to make satisfactory settlement arrangements for payment for his services. *The United States will not be responsible for the settlement.*
9. A deposit of $350 for the first location, plus $100 for each additional location or millsite, to cover the cost of office expense, must be made with the Bureau of Land Management before an order for survey will be issued. If this deposit is insufficient to cover the actual cost of office work, the claimant will be billed for an additional sum sufficient to cover the actual cost of drafting and other office work in connection with processing the returns of the mineral surveys.
10. Mineral surveyors are precluded from acting, either directly or indirectly, as agents or attorneys in proceedings to obtain patent for mining claims. Interested parties are precluded from working on mineral surveys as chainmen or field assistants.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22, 29, 39; 43 CFR 3861.1-1.

PRINCIPAL PURPOSE: The information is to be used to process your application for a mineral survey.

ROUTINE USES: (1) The adjudication of the applicants' rights to the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of public lands and resources. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: The application may be rejected.

GPO 848 - 091

EXAMPLE

THIS STATEMENT MUST BE MADE BY TWO PEOPLE

MINERAL PATENT APPLICATION NO. AA-_____/F-_____

PROOF OF POSTING OF NOTICE OF APPLICATION
FOR PATENT AND PLAT OF SURVEY ON THE CLAIMS

I was present on the _____ day of _____, 19___, when the plat of Mineral Survey No. _____ showing the boundaries of the mining claims located in _____ Mining or Recording District under patent application No. [BLM serial No.] together with a copy of the attached Notice of Intention to Apply for United States Patent were posted in a conspicuous place upon said mining claims [i.e., front end of cook shack (name of claim)] where they could be easily seen and examined.

DATED this _____ day of _____, 19___, at _____, Alaska.

[Signature of Witness]

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19___, at _____, Alaska.

_____
Notary Public in and for Alaska
My Commission Expires:_____

NOTE: Brackets denote specific items to be inserted. Each witness must sign a similar affidavit in the presence of a Notary Public in and for the State of Alaska.

EXAMPLE

NEWSPAPER PUBLICATION (LEGAL NOTICE)
(No indentions or paragraphing)

NOTICE OF APPLICATION

Mineral patent application [BLM Serial No.], Bureau of Land Management, State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, [Date of filing mineral PATENT application with BLM - do not use the date of filing the mineral SURVEY application]. Notice is hereby given that [Name of applicant] whose address is [Insert complete mailing address] has made application to the United States of America for a mineral patent for the following [Insert placer/lode or millsite or all three, if applicable] mining claims: [Each claim listed separately and set off by commas], designated as Mineral Survey No. [Survey No.] located in [surveyed or unsurveyed] section(s)_____, T._____ [N. or S.], R._____ [W. or E.], [Insert Meridian] Meridian, Alaska, all situate in the _____ Mining and Recording District, Alaska, at Latitude [° ' "] [North or South], Longitude [° ' "] [East or West] at [Survey plat designates the tie of the Latitude and Longitude to the permanently fixed marker on the ground, i.e., land or mineral monument] and described as follows: [Description of claims as described on the plat, i.e., 1/ Beginning at Corner No. 1 of Brown Band claim whence U.S.L.M. No. 2246 bears N. 30° 37' 30" East 1385.39 feet; thence S. 41° 35' W., 1500.00 feet; thence S. 48° 25' E., 600.00 feet; thence S. 41° 35' W., 1500.00 feet; thence N. 48° 25' W., 1800.00 feet; thence N. 41° 35' E., 1500.00 feet; thence N. 48° 25' W., 600.00 feet; thence N. 41° 35' E., 1500.00 feet; thence S. 48° 25' E., 1800.00 feet to Corner

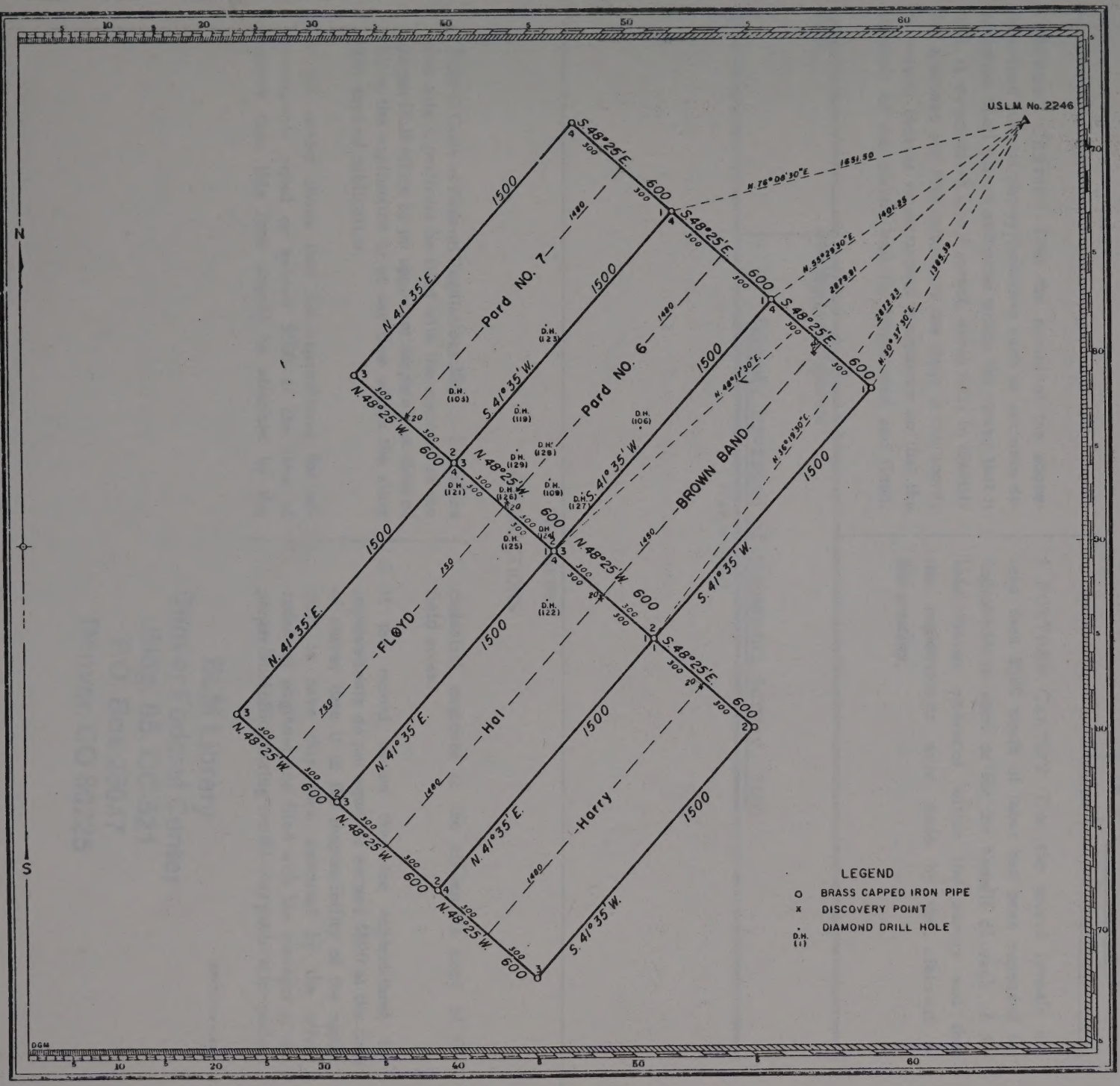
1/ Exterior Boundary Description Based on Attached Sample of Mineral Survey plat.

No. 1 of the Brown Band claim and the point of beginning]. The total area of the [Number of claims] [placer or lode] claim(s) is [Number of acres found in Field Notes] acres. There are no conflicting claims [or designate which claims are in conflict and how many acres involved]. The adjoining claims are: [If applicable] [or state as above: There are no conflicting or adjoining claims.] The location notices are recorded in the [Name District] Recording District, Alaska, [Name of each claim], Book _____, page _____; [Name of each claim], Book _____, page _____; [etc., for each claim]. [Amended claims should also be specified, identifying each Book and page.] The notice of intention to apply for patent was posted on the claims on [date as stated on the affidavits of posting plat and notice]. Any and all persons claiming adversely the ground, premises, or any part of the same so designated, platted, and applied for, are hereby notified that unless their adverse claims are duly filed according to law and the regulations thereunder, within the 60-day period of publication of the notice of said application with the Bureau of Land Mangement, State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, they will be barred by virtue of the provisions of said statute.

Robert E. Sorenson
Chief, Branch of Lands
and Minerals Operations

cc:

Land Office Posting



MINERAL SURVEY

No. [redacted]

ALASKA

CLAIM OF

[redacted]

KNOWN AS

[redacted]

COMPRISING

Pard NO. 7, Pard NO. 6,
BROWN BAND,
Harry, Hal & FLOYD
LODES

SITUATE IN

Noatak–Kobuk Mining District
(Unsurveyed)

Latitude 67°03.6'N, Longitude 157°02.4'W
at USLM No. 2246

200 100 0 200 400 600 800
SCALE IN FEET

Magnetic Declination 23°15'E.

Surveyed July 10 to Aug. 3, 1971
By Kenneth L. Preston, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DIVISION OF CADASTRAL SURVEY

I hereby certify that this plat of Mineral Survey No. 2246, Alaska, is strictly conformable to the field notes of said survey which have been examined and approved.

Anchorage, Alaska
Nov. 16, 1973

Jack C. Means
Acting Chief,
Division of Cadastral Survey

EXHIBIT "E"

Form 3860–8
(February 1977)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF EXPENDITURES, IMPROVEMENTS, AND MINERAL SURVEY

Serial Number
(AA-_____)
(F-_____) or

Date
(Mineral Survey Approved)

Name of Claimant

Mineral Survey Number
(M.S. _____)

I HEREBY CERTIFY That the record of the above-described mineral survey furnishes such an accurate description of all claims embraced within the survey that it will, if incorporated into a patent, serve fully to identify the premises and that references are made in the survey to natural objects or permanent monuments so that the location of the claims will be perpetuated and fixed.

I FURTHER CERTIFY That the record reveals not less than $500 worth of labor has been expended for improvements upon or for the benefit of each of the lode claims embraced within the survey and that the improvements were made by the claimant or his grantors.

Date

Authorized Signature

(Chief, Division of Cadastral Survey, BLM)

(See reverse)

(Reverse)

INSTRUCTIONS

1. Title 43 Code of Federal Regulations 3861.2–2 requires that this *Certificate* be filed with the manager of the proper BLM office by an applicant for patent at time of filing the application or at any time within the sixty (60) days of publication.

2. If the record shows that the expenditures for improvements equal or exceed $500 at the time of survey then this form should be attached by the cadastral engineer to the claimant's copy of the field notes.

3. If the record shows that the expenditures for improvements do not equal or exceed $500 at the time of survey then it is the responsibility of the applicant to have this form executed by the office cadastral engineer and filed with the manager of the proper BLM office during the 60–day publication period.

GPO 839 - 498

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

EXHIBIT "F"

EXAMPLE

[NEWSPAPER CLOSEST TO CLAIM]
[CIRCULATION THAT HAS A SECOND CLASS MAIL PERMIT]
[SEE 43 CFR 1824.1-1]

PUBLISHER'S AGREEMENT

To: Bureau of Land Management
Department of the Interior
Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

Re: Application for mining claim patent, [Name of Applicant] and [Name of Applicant], applicants, for U.S. Mineral patent Application Serial Number [BLM No.].

Gentlemen:

This is to advise you that [Name of Applicant] and [Name of Applicant], applicants for the above-referenced patent, have made satisfactory arrangements with the [Name of Newspaper] newspaper, to assume liability for and make the payment for the cost of publication of the required Notice of Patent Application for a period of nine consecutive weeks.

DATED at [City/town], Alaska, this ____ day of _____, 1981.

[Signature]
Publisher

NOTE: Brackets denote specific items to be inserted.

E X H I B I T "F-1"

NEWSPAPERS TO BE USED FOR PUBLICATION

Anchorage Times
P.O. Box 40
Anchorage, Alaska 99510

The Weekly Frontiersman
P.O. Box D
Palmer, Alaska 99645

The Cheechako News
Drawer O
Kenai, Alaska 99574

Cordova Times
Box 200
Cordova, Alaska 99574

Ketchikan Daily News
Ketchikan, Alaska 99901

Wrangell Sentinel
P.O. Box 798
Wrangell, Alaska 99929

Daily Sitka Sentinel
Sitka, Alaska 99835

The Seward Phoenix Log
P.O. Box 97
Seward, Alaska 99664

The Valdez Vanguard
Pouch E
Valdez, Alaska 99686

The Tundra Times
P.O. Box 868
Bethel, Alaska 99559

Fairbanks Daily News-Miner
200 North Cushman Street
Fairbanks, Alaska 99701

Nome Nugget
Nome, Alaska 99762

Southeast Alaska Empire
P.O. Box 1991
Juneau, Alaska 99801

All Alaska Weekly
P.O. Box 970
Fairbanks, Alaska 99701

Kodiak Mirror
Box 1307
Kodiak, Alaska 99615

Tundra Times
Eskimo, Indian, Aleut Publishing
Co., Inc.
P.O. Box 1287
Fairbanks, Alaska 99707

Kodiak Times
Box 361
Kodiak, Alaska 99615

The Valley Sun
Attn: Mr. W. G. Andrew
P.O. Box 1780
Wasilla, Alaska 99687

PLEASE NOTE: Notices must be published in the newspaper of general circulation nearest to the location of the mining claims or millsites - Determination of which newpaper to use is derived by counting the number of townships and ranges from the claims to the town where the newspaper is published.

E X H I B I T "G"

EXAMPLE

MINERAL APPLICATION NO. [BLM Serial No. AA-0000/F-0000]

AFFIDAVIT THAT THE LAND APPLIED FOR IS
UNRESERVED, UNOCCUPIED, UNIMPROVED AND UNAPPROPRIATED

That I found no portion of the land applied for occupied or reserved by the United States, so as to prevent its acquisition under the mining laws of the United States, that the said land is not occupied or claimed by Natives of Alaska, and that the land is unreserved, unoccupied, unimproved, and unappropriated by any person claiming the same other than the applicant.

DATED at _____, Alaska, this ____ day of _____, 19___.

_____[Signature(s)]_____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19____, at _____, Alaska.

_____
Notary Public in and for Alaska
My Commission Expires:_____

NOTE: Brackets denote specific items to be inserted. Two (2) Disinterested witnesses and each applicant must sign a similar affidavit in the presence of a Notary Public in and for the State of Alaska. If the witness(es) and/or applicant(s) are unable to appear before a Notary Public at the same time, a separate affidavit is required of each person.

TITLE ABSTRACT COMPANIES

Firm	Local Office
Alaska Title Guaranty Company	Anchorage, AK
Commonwealth Land Title Insurance Company	Philadelphia, PA
Davis & Renfrew	Anchorage, AK
First American Title Insurancy Company	Santa Ana, CA
Kelleher, Thomas P., Title Guarantee Trust Company	Anchorage, AK
Klindt, Miss Kathleen H. (Office of District Engineer)	Anchorage, AK
Land Field Services, Incorporated	Anchorage, AK
Lawyers Title Insurance Corporation (operating through Lawyers Title Insurance Agency, Incorporated)	Anchorage, AK
Security Title and Trust Company of Alaska	Anchorage, AK
Transamerica Title Insurance and Trust	Anchorage, AK
Tregaskis, Jack, Corps of Engineers, Department of Army	Anchorage, AK
William O. Vallee/Alaska Abstract Service	Anchorage, AK

Other Examples:

An Attorney-at-Law or a retired Judge may do abstract of title work on an "as they have time" basis. Keep in mind that the retired judge must have passed the "bar" examination in order to be accredited and acceptable to the Bureau of Land Management.

EXHIBIT "I"

****EXAMPLE****

Form 3860-2
(January 1976)
(formerly 4-1246)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF TITLE ON MINING CLAIMS

FORM APPROVED
BUDGET BUREAU NO. 42-R1203.1

Mineral Entry Serial Number
(BLM-issued No. AA-0000/ F-00000)

JOHN JONES XXX An individual ☐ a corporation, hereby certifies that an examination of the instruments shown by the indices in the office of the Recorder ~~XXXXXXXXXX~~ of Talkeetna, State of Alaska, discloses that the title to the mining claim hereinafter described that was acquired by the locators of said claim by the filing of said claim is at the date hereof vested in (Name of Applicant(s))

Subject to: (1) Paramount title of the United States of America.

(2) Any taxes or assessments that may be a lien.

(3) The inadequacy of any evidence of labor that may appear of record.

(4) Adverse rights which may exist by reason of any encroachment of other mining claims onto the claim hereinafter described or of any overlapping of the boundaries of said claim onto other claims.

The mining claim above referred to is that certain claim situate in the Talkeetna mining district, Recording Office ~~XXXXXXX~~ Talkeetna, State of Alaska, more particularly described as follows *(see instructions)*:

Claim No. 1, Recorded in Book 2, Page 34;
Claim No. 2, Book 2, Page 35;
Claim No. 3, Book 2, Page 36;
(See attached copies of certified copies of location notices)

This certificate is issued and accepted upon the understanding that the liability assumed hereby shall not exceed $100.

Seal

John Jones, Attorney at Law
(Individual or Firm Name)

10000 East Fourth Avenue
Anchorage, Alaska 99513
(Address)

1-1-81
(Date)

By _____
(Signature)

(Instructions on reverse)

INSTRUCTIONS

1. Description of mining claims may be incorporated by reference to and attachment of a certified copy of certificate of location.

2. A certificate, when executed by a corporation, must:
   (a) bear the corporate seal;
   (b) indicate where corporation was organized; and,
   (c) indicate authority to do business in the state in which the land is located.

GPO 833-098

EXHIBIT "J"

EXAMPLE

SUPERIOR COURT/TRIAL COURT
State of Alaska

Third Judicial District
303 K Street
Anchorage, Alaska 99501

Date: _____

From: Office of the Clerk

To: Whom It May Concern

Re: [Applicant(s)]

There are no Court cases on file in the Superior Court, District Court, or Small Claims of Anchorage, naming either of the the above individuals as a Plaintiff or Defendant as of [name the ten-year possessory period (i.e., September 10, 1970 through September 10, 1980)]

(SEAL OF THE COURT)

[Clerk's Signature]
Clerk of the Superior Court/Trial Court
By: _____
Deputy Clerk

NOTE: Brackets denote specific items to be inserted. Also, the Seal of the Court is REQUIRED.

REFERENCES

REGULATION 43 CFR 2650.3-2

§ 2650.3-2 Mining claims.

(a) *Possessory rights.* Pursuant to section 22(c) of the act, on any lands to be conveyed to village or regional corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location, including millsites, under the general mining laws and recorded notice thereof with the appropriate State or local office, shall not be challenged by the United States as to his possessory rights, if all requirements of the general mining laws are met. However, the validity of any unpatented mining claim may be contested by the United States, the grantee of the United States or its successor in interest, or by any person who may initiate a private contest. Contest proceedings and appeals therefrom shall be to the Interior Board of Land Appeals.

(b) *Patent requirements met.* An acceptable mineral patent application must be filed with the appropriate Bureau of Land Management office not later than December 18, 1976, on lands conveyed to village or regional corporations.

(1) Upon a showing that a mineral survey cannot be completed by December 18, 1976, the filing of an application for a mineral survey, which states on its face that it was filed for the purpose of proceeding to patent, will constitute an acceptable mineral patent application, provided all applicable requirements under the general mining laws have been met.

(2) The failure of an applicant to prosecute diligently his application for mineral patent to completion will result in the loss of benefits afforded by section 22(c) of the act.

(3) The appropriate office of the Bureau of Land Management shall give notice of the filing of an application under this section to the village or regional corporation which has selection rights in the land covered by the application.

(c) *Patent requirements not met.* Any mineral patent application filed after December 18, 1976, on land conveyed to any village or regional corporation pursuant to this act, will be rejected for lack of departmental jurisdiction. After that date, patent applications may continue to be filed on land not conveyed to village or regional corporations until such land is conveyed.

(43 U.S.C. 1601-1624)

[38 FR 14218, May 30, 1973, as amended at 40 FR 33174, Aug. 6, 1975]

Subpart 3861—Surveys and Plats

SOURCE: 35 FR 9754, June 13, 1970, unless otherwise noted.

§ 3861.1 Surveys of mining claims.

§ 3861.1-1 Application for survey.

The claimant is required, in the first place, to have a correct survey of his claim made under authority of the proper cadastral engineer, such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. He is required to have a correct survey where patent is applied for and where the mining claim is in vein or lode formation, or covers lands not surveyed in accordance with the U.S. system of rectangular surveys, or where the mining claim fails to conform with the legal subdivisions of the federal surveys. Application for authorization of survey should be made to the appropriate land office (see § 1821.2-1 of this chapter).

[Circ. 2220, 31 FR 16785, Dec. 31, 1966]

§ 3861.1-2 Survey must be made subsequent to recording notice of location.

The survey and plat of mineral claims required to be filed in the proper office with application for patent must be made subsequent to the recording of the location of the claim (if the laws of the State or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a mineral surveyor such location survey cannot be substituted for that required by the statute, as above indicated. All matters relating to the duties of mineral surveyors, and to the field and office procedure to be observed in the execution of mineral surveys, are set forth in Chapter X of the Manual of Instructions for the Survey of the Public Lands of the United States, 1947.

§ 3861.1-3 Plats and field notes of mineral surveys.

When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

§ 3861.2 Surveys; specific.

§ 3861.2-1 Particulars to be observed in mineral surveys.

(a) The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on the vein in each direction from the point of discovery or other well-defined place on the claim should be represented on the plat of survey and in the field notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed	1.48

(b) It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the area of conflict with prior surveys the area of conflict are to be excluded. The field notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. The application for patent should state the portions to be excluded in express terms.

§ 3861.2-2 Certificate of expenditures and improvements.

(a) The claimant at the time of filing the application for patent, or at any time within the 60 days of publication, is required to file with the authorized

officer a certificate of the office cadastral engineer that not less than $500 worth of labor has been expended or improvements made, by the applicant or his grantors, upon each location embraced in the application, or if the application embraces several contiguous locations held in common, that an amount equal to $500 for each location has been so expended upon, and for the benefit of, the entire group; that the plat filed by the claimant is correct; that the field notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporation in a patent, serve to identify the premises fully, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

(b) In case of a lode and mill-site claim in the same survey the expenditure of $500 must be shown upon the lode claim.

§ 3861.2-3 Mineral surveyor's report of expenditures and improvements.

(a) In the mineral surveyor's report of the value of the improvements all actual expenditures and mining improvements made by the claimant or his grantors, having a direct relation to the development of the claim, must be included in the estimate.

(b) The expenditures required may be made from the surface or in running a tunnel, drifts, or crosscuts for the development of the claim. Expenditures for drill holes for the purpose of prospecting and securing data upon which further development of a group of lode mining claims held in common may be based are available toward meeting the statutory provision requiring an expenditure of $500 as a basis for patent as to all of the claims of the group situated in close proximity to such common improvement. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate, unless it is shown clearly that they are associated with actual excavations, such as cuts, tunnels, shafts, etc., are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

(c) Improvements made by a former locator who has abandoned his claim cannot be included in the estimate, but should be described and located in the notes and plat.

§ 3861.2-4 Supplemental proof of expenditures and improvements.

If the value of the labor and improvements upon a mineral claim is less than $500 at the time of survey the mineral surveyor may file with the cadastral engineer supplemental proof showing $500 expenditure made prior to the expiration of the period of publication.

§ 3861.2-5 Amended mineral surveys.

(a) Inasmuch as amended surveys are ordered only by special instructions from the Bureau of Land Management, and the conditions and circumstances peculiar to each separate case and the object sought by the required amendment, alone govern all special matters relative to the manner of making such survey and the form and subject matter to be embraced in the field notes thereof, but few general rules applicable to all cases can be laid down.

(b) The expense of amended surveys, including amendment of plat and field notes, and office work in the Bureau of Land Management office will be borne by the claimant.

(c) The amended survey must be made in strict conformity with, or be embraced within, the lines of the original survey. If the amended and original surveys are identical, that fact must be clearly and distinctly stated in the field notes. If not identical, a bearing and distance must be given from each established corner of the amended survey to the corresponding corner of the original survey. The lines of the original survey, as found upon the ground, must be laid down upon the preliminary plat in such manner as to contrast and show their relation to the lines of the amended survey.

§ 3861.3 Mineral surveyors.

§ 3861.3-1 Extent of duties.

The duty of a mineral surveyor in any particular case ceases when he has executed the survey and returned the

field notes and preliminary plat, with his report, to the cadastral engineer. He will not be allowed to prepare for the mining claimant the papers in support of his application for patent. He is not permitted to combine the duties of surveyor and notary public in the same case by administering oaths. It is preferable that both preliminary and final oaths of assistants should be taken before some officer duly authorized to administer oaths, other than the mineral surveyor. In cases, however, where great delay, expense, or inconvenience would result from a strict compliance with this section, the mineral surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done, he will submit to the proper cadastral engineer a full written report of the circumstances which required his stated action; otherwise he must have absolutely nothing to do with the case, except in his official capacity as surveyor. He will not employ field assistants interested therein in any manner.

§ 3861.3-2 Assistants.

The employing of claimants, their attorneys, or parties in interest, as assistants in making surveys of mineral claims will not be allowed.

§ 3861.4 Contract for surveys.

§ 3861.4-1 Payment.

(a) The claimant is required, in all cases, to make satisfactory arrangements with the surveyor for the payment for his services and those of his assistants in making the survey, as the United States will not be held responsible for the same.

(b) The state director has no jurisdiction to settle differences relative to the payment of charges for field work, between mineral surveyors and claimants. These are matters of private contract and must be enforced in the ordinary manner, i.e., in the local courts. The Department has, however, authority to investigate charges affecting the official actions of mineral surveyors, and will, on sufficient cause shown, suspend or revoke their appointment.

§ 3861.5 Appointment and employment of mineral surveyors.

§ 3861.5-1 Appointment.

Pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39), the Director or his delegate will appoint only a sufficient number of surveyors for the survey of mining claims to meet the demand for that class of work. Each appointee shall qualify as prescribed by the Director or his delegate. Applications for appointment as a mineral surveyor may be made at any office of the Bureau of Land Management listed in § 1821.2-1 of these regulations. A roster of appointed mineral surveyors will be available at these offices. Each appointee may execute mineral surveys in any State where mineral surveys are authorized.

[38 FR 30001, Oct. 31, 1973]

§ 3861.5-2 Employment.

A mineral claimant may employ any United States mineral surveyor qualified as indicated in paragraph (a) of this section to make the survey of his claim. All expenses of the survey of mining claims and the publication of the required notices of application for patent are to be borne by the mining claimants.

§ 3861.6 Plats and notices.

§ 3861.6-1 Payment of charges of the public survey office.

With regard to the platting of the claim and other office work in the Bureau of Land Management office, including the preparation of the copies of the plat and field notes to be furnished the claimant, that office will make an estimate of the cost thereof, which amount the claimant will deposit with it to be passed to the credit of the fund created by "Deposits by Individuals for Surveying Public Lands."

§ 3861.7 Posting.

§ 3861.7-1 Plat and notice to be posted on claim.

The claimant is required to post a copy of the plat of survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat of survey.

§ 3861.7-2 Proof of posting on the claim.

After posting the said plat and notice upon the premises the claimant will file with the proper manager two copies of such plat and the field notes of survey of the claim, accompanied by two copies of the statement of at least two credible witnesses that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting, and two copies of the notice so posted to be attached to and form a part of said statement.

Subpart 3862—Lode Mining Claim Patent Applications

SOURCE: 35 FR 9756, June 13, 1970, unless otherwise noted.

§ 3862.1 Lode claim patent application; general.

§ 3862.1-1 Application for patent.

(a) At the time the proof of posting is filed the claimant must file in duplicate an application for patent showing that he has the possessory right to the claim, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district or State in which the claim lies, and with the mining laws of Congress, such statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent. The application should contain a full description of the kind and character of the vein or lode and should state whether ore has been extracted therefrom; and if so, in what amount and of what value. It should also show the precise place within the limits of each of the locations embraced in the application where the vein or lode has been exposed or discovered and the width thereof. The showing in these regards should contain sufficient data to enable representatives of the Government to confirm the same by examination in the field and also enable the Bureau of Land Management to determine whether a valuable deposit of mineral actually exists within the limits of each of the locations embraced in the application.

(b) Every application for patent, based on a mining claim located after August 1, 1946, shall state whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project. The application must set forth in detail the exact nature of the claimant's participation in the project, and must also state whether as a result of such participation he acquired any confidential, official information as to the existence of deposits of uranium, thorium, or other fissionable source materials in the lands covered by his application.

(c) In applying for patent to a mining claim embracing land lying partly within one proper office and partly within another, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices, the statements as to posting plat and notice on the claim to be signed within the respective land districts, as well, also, as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is situated. Publication, payment of fees, and the purchase price of the land will be further governed by the provisions of § 1823.4(a) and 1861.2 of this chapter.

§ 3862.1-2 Service charge.

The service charge payable to the Bureau of Land Management for filing and acting upon applications for mineral-land patents is $25 to be paid by the applicant for patent at the time of filing. This charge is not refundable.

§ 3862.1-3 Evidence of title.

(a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of locations and transfers of mining claims or by an abstracter of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by the State laws to execute such a certificate and acceptable to the Bureau of Land Management.

(b) A certificate of title must conform substantially to a form approved by the Director.

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations thereof, certified to by the legal custodian of the record of mining locations.

(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent will be received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application.

§ 3862.1-4 Evidence relating to destroyed or lost records.

In the event of the mining records in any case having been destroyed by fire or otherwise lost, a statement of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the statement of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession and tend to establish his claim, should be filed.

§ 3862.1-5 Statement required that land is unreserved, unoccupied, unimproved, and unappropriated.

Each person making application for patent under the mining laws, for lands in Alaska, must furnish a duly corroborated statement showing that no portion of the land applied for is occupied or reserved by the United States, so as to prevent its acquisition under said laws; that the land is not occupied or claimed by natives of Alaska; and that the land is unoccupied, unimproved and unappropriated by any person claiming the same other than the applicant.

§ 3862.2 Citizenship.

§ 3862.2-1 Citizenship of corporations and of associations acting through agents.

The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of its charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the statement of their duly authorized agent, made upon his own knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This statement must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the citizenship showing to act for them in the matter of their application of patent.

§ 3862.2-2 Citizenship of individuals.

(a) In case of an individual or an association of individuals who do not appear by their duly authorized agent, the statement of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence, will be required.

(b) In case an applicant has declared his intention to become a citizen or has been naturalized, his statement must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

§ 3862.2-3 Trustee to disclose nature of trust.

Any party applying for patent as trustee must disclose fully the nature of the trust and the name of the cestui que trust; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

§ 3862.3 Possessory rights.

§ 3862.3-1 Right by occupancy.

(a) The provisions of R.S. 2332 (30 U.S.C. 38), greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

(b) When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State, together with his statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession and bona fides which he may desire to submit in support of his claim.

§ 3862.3-2 Certificate of court required.

There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State as aforesaid other than that which has been finally decided in favor of the claimant.

§ 3862.3-3 Corroborative proof required.

The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

§ 3862.4 Publication of notice.

§ 3862.4-1 Newspaper publication.

Upon the receipt of applications for mineral patent and accompanying papers, if no reason appears for rejecting the application, the authorized officer will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of 60 days in a newspaper published nearest to the claim. If the notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks; if weekly, in nine consecutive issues; if semiweekly or triweekly, in the issue of the same day of each week for nine consecutive weeks. In all cases the first day of issues shall be excluded in estimating the period of 60 days.

[35 FR 9756, June 13, 1970, as amended at 41 FR 21642, May 27, 1976]

§ 3862.4-2 Contents of published notice.

The notices published as required by the preceding section must embrace all the data given in the notice posted upon the claim. In addition to such data the published notice must further indicate the locus of the claim by giving the connecting line, as shown by the field notes and plat, between a corner of the claim and a United States mineral monument or a corner of the public survey, and thence the boundaries of the claim by courses and distances.

§ 3862.4-3 Authorized officer to designate newspaper.

The authorized officer shall have the notice of application for patent published in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land.

§ 3862.4-4 Charges for publication.

(a) The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the several States for the publication of legal notices wherein the notice is published.

(b) It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

M. A. No. 04421, U. S. Land Office, Elko, Nevada, October 5, 1921. Notice is hereby given that the Jarbidge Buhl Mining Company by W. H. Hudson, attorney in fact, of Jarbidge, Nevada, has made application for patent to the Altitude, Altitude No. 1, Altitude No. 3, and Altitude Annex, lode mining claims. Survey No. 4470, in unsurveyed T. 46 N., R. 58 E., M. D. B. and M., in the Jarbidge mining district, Elko County, Nevada, described as follows: Beginning at corner No. 1, Altitude No. 3, whence the quarter corner of the south boundary of sec. 34 T. 46 N., R. 58 E., M. D. B. and M., bears south 41°54' west 7285.63 feet, thence north 20°14' west 1500 feet to corner No. 2 of said lode; thence north 69°46' east 569 feet to corner No. 3 of said lode; thence south 20°14' east 417.5 feet to corner 2, Altitude No. 1; thence north 69°46' east 1606.1 feet to corner No. 3, Altitude lode; thence south 20°14' east 1500 feet, to corner No. 4 of said lode; thence south 69°46' west 1606.1 feet, to corner No. 1, Altitude No. 1 lode; thence North 20°14' west 417.5 feet to corner No. 4, Altitude No. 3; thence south 69°46' west 569 feet to point of beginning. There are no adjoining or conflicting claims. The location notices are recorded in Book 17, pages 373 and 374, and in Book 15, pages 52 and 53, mining locations, Elko County, Nevada, John E. Robbins, Manager.

(c) For the publication of citations in contests or hearings, involving the character of lands, the charges may not exceed the rates provided for similar notices by the law of the State.

§ 3862.4-5 Proof by applicant of publication and posting.

After the 60-day period of newspaper publication has expired, the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own statement showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said 60-day publication, giving the dates.

§ 3862.4-6 Payment of purchase price and statement of charges and fees.

Upon the filing of the statement required by the preceding section, the authorized officer will, if no adverse claim was filed in his office during the period of publication, and no other objection appears, permit the claimant to pay for the land to which he is entitled at the rate of $5 for each acre and $5 for each fractional part of an acre, except as otherwise provided by law, issuing the usual receipt therefor. The claimant will also make a statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the authorized officer of the proper office, and a patent shall be issued thereon if found regular.

§ 3862.5 Entry and transfers.

§ 3862.5-1 Allowance of entry; transfers subsequent to application not recognized.

No entry will be allowed until the authorized officer has satisfied himself, by careful examination, that proper proofs have been filed upon the points indicated in the law and official regulations. Transfers made subsequent to the filing of the application for patent will not be considered, but entry will be allowed and patent issued in all cases in the name of the applicant for patent, the title conveyed by the patent, of course, in each instance inuring to the transferee of such applicant where a transfer has been made pending the application for patent.

§ 3862.6 Diligent prosecution.

§ 3862.6-1 Failure to prosecute application with diligence.

The failure of an applicant for patent to a mining claim to prosecute his application to completion, by filing the necessary proofs and making payment for the land, within a reasonable time after the expiration of the period of publication of notice of the application, or after the termination of adverse proceedings in the courts, constitutes a waiver by the applicant of all rights obtained by the earlier proceedings upon the application.

§ 3862.7 Application processing upon contest or protest.

§ 3862.7-1 Resumption of patent proceedings after suspension due to adverse claim or protest.

The proceedings necessary to the completion of an application for patent to a mining claim, against which an adverse claim or protest has been filed, if taken by the applicant at the first opportunity afforded therefor under the law and departmental practice, will be as effective as if taken at the date when, but for the adverse claim or protest, the proceedings on the application could have been completed.

§ 3862.8 Patents for mining claims.

§ 3862.8-1 Land descriptions in patents.

The land description in a patent for a lode mining claim, for a millsite, or for a placer claim not consisting of legal subdivisions, shall hereafter consist of the names and survey numbers of the claims being patented and those being excluded, or of the names of the excluded claims if they are unsurveyed, or of the legal subdivisions of excluded land covered by homestead or other nonmineral entry. The land description shall refer to the field notes of survey and the plat thereof for a more particular description and the patent shall expressly make them a part thereof. Where shown by the mineral entry the patent shall give the actual or approximate legal subdivision, section, township and range, the name of the county and of the mining district, if any, wherein the claims are situated. A copy of the plat and field notes of each mineral survey patented will be furnished to the patentee.

Subpart 3863—Placer Mining Claim Patent Applications

SOURCE: 35 FR 9758, June 13, 1970, unless otherwise noted.

§ 3863.1 Placer mining claim patent applications; general.

(a) The proceedings to obtain patents for placer claims, including all forms of mineral deposits excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where a placer claim shall be upon surveyed lands, and conforms to legal subdivisions, no further survey or plat will be required. Where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands.

(b) The price of placer claims is fixed at $2.50 per acre or fractional part of an acre.

§ 3863.1-1 Application for patent.

§ 3863.1-2 Proof of improvements for patent.

The proof of improvements must show their value to be not less than $500 and that they were made by the applicant for patent or his grantors. This proof should consist of the statement of two or more disinterested witnesses.

§ 3863.1-3 Data to be filed in support of application.

(a) In placer applications, in addition to the recitals necessary in and to both vein or lode and placer applications, the placer application should contain, in detail, such data as will support the claim that the land applied for is placer ground containing valuable mineral deposits not in vein or lode formation and that title is sought not to control water courses or to obtain valuable timber but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim be for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it be a building stone or other deposit than gold claimed under the placer laws, he must describe fully the kind, nature, and extent of the deposit, stating the reasons why same is by him regarded as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

(b) If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by R.S. 2333 (30 U.S.C. 37) must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

(c) While these data are required as a part of the mineral surveyor's report in case of placers taken by special survey, it is proper that the application for patent incorporate these facts.

(d) Inasmuch as in case of claims taken by legal subdivisions, no report by a mineral surveyor is required, the claimant, in his application in addition to the data above required, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

(e) The statement as to the description and value of the improvements must be corroborated by the statements of two disinterested witnesses. The proof showing must be made in duplicate. See 51 L.D. 265 and 52 L.D. 190.

(f) Applications awaiting entry, whether published or not, must be made to conform to this part, with respect to proof as to the character of the land Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

§ 3863.1-4 Applications for placers containing known lodes.

Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within placer locations are owned by other parties, the fact should be distinctly stated in the application for patent and in all the notices. But in all cases whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. An application which omits to claim such known vein or lode must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the statement of two or more witnessess.

Subpart 3864—Mill Site Patents

SOURCE: 35 FR 9758, June 13, 1970, unless otherwise noted.

§ 3864.1 Mill site patents; general.

§ 3864.1-1 Application for patent.

(a) Land entered as a mill site must be shown to be nonmineral. Mill sites are simply auxiliary to the working of mineral claims. R.S. 2337 (30 U.S.C. 42) provides for the patenting of mill sites.

(b) To avail themselves of this provision of law, parties holding the possessory right to a vein or lode claim, and to a piece of nonmineral land not contiguous thereto for mining or milling purposes, not exceeding the quantity allowed for such purpose by R.S. 2337, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper office their application for a patent, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode claim, such noncontiguous mill site, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim. The owner of a patented lode may, by an independent application, secure a mill site, if good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists.

(c) The act of March 18, 1960 (74 Stat. 7; 43 U.S.C. 42(b)), amends R.S. 2337 to allow the holders of possessory right in a placer claim to hold nonmineral land for mining, milling, processing beneficiation, or other operations in connection with the placer claim. Applications for patent for such mill sites are subject to the same requirements as to survey and notice as one applicable to placer mining claims. No one mill site may exceed five acres and payment will be $2.50 per acre or fraction thereof.

§ 3864.1-2 Mill sites applied for in conjunction with a lode claim.

Where the original survey includes a lode claim and also a mill site the lode claim should be described in the plat and field notes as "Sur. No. 37, A," and the mill site as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode claim for the statutory period of 60 days. In making the entry no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being $5 for each acre and fractional part of an acre embraced by such lode and mill site claim.

§ 3864.1-3 Mill sites for quartz mills or reduction works.

In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode claim the law permits him to make application therefor in the same manner prescribed for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill site at the price named in the preceding section.

§ 3864.1-4 Proof of nonmineral character.

In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character, which proof may, where the matter is unquestioned, consist of the statement of two or more persons capable, from acquaintance with the land to testify understandingly.

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